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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

THE PEOPLE,

Plaintiff and Respondent,

v.

VINCENT ANTOINE GRAYSON,

Defendant and Appellant.

D059715

(Super. Ct. No. SCD231047)

APPEAL from a judgment of the Superior Court of San Diego County, Charles Rogers and Theodore H. Weathers, Judges. Affirmed.

Vincent Antoine Grayson entered a negotiated guilty plea to assault by means of force likely to produce great bodily injury (Pen. Code, § 245, subd. (a)).¹ The court sentenced him to the upper four-year prison term. His request for a certificate of probable cause was denied. Grayson appeals. We affirm the judgment.

¹ All statutory references are to the Penal Code.

FACTS

The victim, Regina Turner, was in a relationship with Grayson. On June 6, 2010, at approximately 6:30 a.m., Grayson called Turner and informed her that he was outside her home and that he wanted her to come outside to talk with him. She met with Grayson in a black truck he had driven to her home, and began discussing their relationship. He then began accusing Turner of being unfaithful and talking to other men. Grayson became upset and grabbed Turner by the neck with both of his hands and began to choke her. She struggled while he strangled her, ultimately kicking the window on the passenger side door, cracking it. Grayson released his grip around her neck and Turner was able to get out of the vehicle. Grayson drove away and Turner contacted the police to report the incident.

A police officer spoke with Turner and noted that she had several marks, a laceration, redness and a dark colored bruise on her neck. Officers then went to Grayson's reported residence, and found a black truck with a cracked passenger side window. The officers were informed that although the defendant did visit with the occupants of the residence, he did not reside there.

DISCUSSION

Appointed appellate counsel has filed a brief summarizing the facts and proceedings below. Counsel presents no argument for reversal, but asks this court to review the record for error as mandated by *People v. Wende* (1979) 25 Cal.3d 436 and *Anders v. California* (1967) 386 U.S. 738. Counsel mentions as possible, but not arguable, issues: (1) whether the trial court erred by imposing the upper term; (2) whether

Grayson's waiver of a jury trial was voluntary, knowing and intelligent; and (3) whether the trial court erred by not relieving retained counsel. The transcript of the sentencing hearing sets forth the aggravating factors supporting imposition of the upper term. The transcript of Grayson's change of plea hearing shows he was properly advised by the trial court of, and voluntarily waived, his right to a jury trial. The trial court's denial of defense counsel's request to be relieved was not an abuse of discretion, as shown by the transcript of the hearing at which the request was made.

We granted Grayson permission to file a brief on his own behalf. He has not responded. A review of the record pursuant to *People v. Wende, supra*, 25 Cal.3d 436 and *Anders v. California, supra*, 386 U.S. 738 has disclosed no reasonably arguable appellate issues. Grayson has been competently represented by counsel on this appeal.

DISPOSITION

The judgment is affirmed.

McDONALD, J.

WE CONCUR:

BENKE, Acting P. J.

IRION, J.